

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mortgage Electronic Registration
Systems, Inc., as nominee for LoanCity,
formerly known as LoanCity.com,

Civil No. 09-2099 (DWF/SRN)

Plaintiff,

v.

ORDER AND MEMORANDUM

Jimmy Philibert, United States of America,
John Doe, Mary Roe, XYZ Corporation,
and ABC Partnership, whose true names
are unknown to Plaintiff,

Defendants.

Jeffrey A. Scott, Esq., and Katherine M. Melander, Esq., Coleman Hull & van Vliet, PLLP, counsel for Plaintiff.

Roylene A. Champeaux, Assistant United States Attorney, United States Attorney's Office, counsel for Defendant United States of America.

This matter is before the Court pursuant to the consent of the parties (Doc. No. 6) to have the above-entitled matter referred to the assigned United States Magistrate Judge to conduct all proceedings in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Based upon the submissions of the parties and the Court having reviewed the contents of the file, along with its procedural history, as well as having consulted with United States Magistrate Judge Susan Richard Nelson, and being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. The Court respectfully declines to refer the matter to the United States Magistrate Judge for the purpose of conducting all proceedings, including dispositive motions and any trial of the matter.

Dated: September 2, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

MEMORANDUM

The Court has respectfully declined to refer the above-entitled matter to United States Magistrate Judge Susan Richard Nelson. The reason the Court has declined to issue an order of reference is because the undersigned is dealing with or has recently dealt with similar cases with similar issues. Consequently, absent further order of the Court, all dispositive matters shall remain before the undersigned. If the concern of the parties is minimizing delay and moving the case forward, be it on the Court's motion calendar or for trial, the Court will ensure that no unnecessary delays occur.

For these reasons, the Court has respectfully declined to refer the matter to United States Magistrate Judge Susan Richard Nelson.

D.W.F.